Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367

Kansas
Department of Health and Environment

Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

Rescan

January 31, 2020

Johnson County Wastewater
Susan Pekarek
11811 S Sunset Drive, Ste 2500
Olathe, KS 66061

RE: Kansas Water Pollution Control
Permit No. M-KS68-OO04
Mill Creek Regional WWTF

Dear Permittee:

You have fulfilled all the filing requirements for a Kansas Water Pollution Control Permit and Authorization to Discharge under the National Pollutant Discharge Elimination System (NPDES). We are pleased to forward your new permit. While it is permissible to make as many copies as needed for monitoring and reporting purposes, you need to retain the original permit for your files.

We suggest you carefully read the terms and conditions of your permit and understand these terms and conditions are enforceable under both State and Federal law.

Please note the reporting paragraph on page 2 of your permit. If required, all discharge monitoring reports are to be processed by the eDMR software program. If KDHE has not contacted you concerning the use of the eDMR software program, please contact Debbie Mendenhall at 785.296.5561 or Deborah.Mendenhall@ks.gov. If this requirement applies to your facility, please share this permit with your certified operator and laboratory.

Any additional reports shall be submitted to the Kansas Department of Health and Environment, Bureau of Water-TSS, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367.

If you have any questions concerning this permit, contact Michael Beezhold at (785) 296-5513.

Sincerely,

Thomas C Stiles

Thomas C Stiles
Director, Bureau of Water

pc: NE - District
RE- Permit File

Kansas Permit No.: M-KS68-0004

Federal Permit No.: KS0088269

KANSAS WATER POLLUTION CONTROL PERMIT AND AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the Provisions of Kansas Statutes Annotated 65-164 and 65-165, the Federal Water Pollution Control Act as amended, (33 U.S.C. 1251 et seq; the "Act"),

Owner:	Johnson County Wastewater
Owner's Address:	11811 S. Sunset Drive, Suite 2500 Olathe, KS 66061
Facility Name:	Mill Creek Regional Wastewater Treatment Facility
Facility Location:	NE¼, Section 2 and NW¼, Section 1, Township 12S, Range 23E Johnson County, Kansas
Mechanical Plant:	Latitude: 39.04007 Longitude: - 94.81550
Facility Outfall:	SE¼, NE¼, SE¼, Section 31, Township 11S, R24E Wyandotte County, Kansas Latitude: 39.04793 Longitude: -94.78139
Receiving Stream:	Kansas River
Basin:	Kansas River Basin

is authorized to discharge from the wastewater treatment facility described herein, in accordance with effluent limits and monitoring requirements as set forth herein.

This permit is effective February 1, 2020 supersedes the previously issued water pollution control permit M-KS68-0004, and expires January 31, 2025.

FACILITY DESCRIPTION:

1. Influent Pump Station
2. Mechanical Bar Screen
3. Grit Chambers
4. Blower Building
5. Six Cell Aerated Lagoon Operated in Parallel with the Mechanical Activated Sludge System
   a. Total Surface Area = 28.40 Acres
   b. Design P.E. = 67,500
   c. Average Daily Design Flow = 6.75 MGD
   d. Peak Instantaneous Hydraulic Design Flow = 84 MGD
6. Mechanical Activated Sludge System Operated in Parallel with the Aerated Lagoon
   a. Earthen Aeration Basin
   b. Two Clarifiers
   c. RAS Pump Station
   d. UV Disinfection
   e. Design P.E. = 120,000
   f. Average Daily Design Flow = 12.0 MGD
   g. Peak Instantaneous Hydraulic Design Flow = 24 MGD
7. Effluent Tunnel to KS River
8. Four Port Effluent Diffuser
9. Combined Facility:
   a. Design P.E. = 187,500
   b. Average Daily Design Flow = 18.75 MGD
   c. Peak Instantaneous Hydraulic Design Flow = 108 MGD (Activated Sludge 24 MGD / Aeration Lagoon 84 MGD)

Lee A. Norman MD

Secretary, Kansas Department of Health and Environment

January 31, 2020
Date

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in this permit. The effluent limits shall become effective on the dates specified herein. Such discharges shall be controlled, limited, and monitored by the permittee as specified. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Monitoring reports shall be submitted on or before the 28th day of the following month. In the event no discharge occurs, written notification is still required.

Parameter	Final Limits	Measurement Frequency	Sample Type
Monitoring Location 001XG (EDMR code: INF001XG) - Influent to Treatment Complex			
Biochemical Oxygen Demand (5-Day)-mg/l	Monitor	Weekly	24-Hour Composite
Total Suspended Solids-mg/l	Monitor	Weekly	24-Hour Composite
Total Phosphorus (as P)-mg/l	Monitor	Once Monthly	24-Hour Composite
Total Kjeldahl Nitrogen (as N)-mg/l	Monitor	Once Monthly	24-Hour Composite
Monitoring Location 001LV (EDMR code: LAG001LV) - Aerated Lagoon to Effluent Tunnel			
Biochemical Oxygen Demand (5-Day) -mg/l	Monitor	Weekly	24-Hour Composite
Total Suspended Solids		Weekly	24-Hour Composite
Weekly Average-mg/l	120		
Monthly Average-mg/l	80		
pH - Standard Units	Monitor	Weekly	Grab
Ammonia (as N)-mg/l	Monitor	Weekly	24-Hour Composite
E. coli-Colonies/100ml	Monitor	Weekly	Grab
Total Phosphorus (as P)-mg/l[4]	Monitor	Once Monthly	24-Hour Composite
Total Phosphorus (as P)-lbs/day[4]	Monitor	Once Monthly	Calculated[3]
Nitrate (NO3) + Nitrite (NO2) as N-mg/l[2]	Monitor	Once Monthly	24-Hour Composite
Total Kjeldahl Nitrogen (TKN) as N-mg/l[2]	Monitor	Once Monthly	24-Hour Composite

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS - (continued)

Parameter	Final Limits	Measurement Frequency	Sample Type
Monitoring Location 001LV (EDMR code: LAG001LV) - Aerated Lagoon to Effluent Tunnel			
Total Nitrogen as N - mg/l[2,4] (TKN + NO3 + NO2)	Monitor	Once Monthly	Calculated[3]
Total Nitrogen as N - lbs/day[2,4] (TKN + NO3 + NO2)	Monitor	Once Monthly	Calculated[3]
Flow From Lagoon - MGD	Monitor	Daily	Meter
Monitoring Location 001MV (EDMR code: MEC001MV) - Activated Sludge/UV Disinfection to Effluent Tunnel			
Biochemical Oxygen Demand (5-Day)-mg/l	Monitor	Weekly	24-Hour Composite
Total Suspended Solids[1]		Weekly	24-Hour Composite
Weekly Average-mg/l	45		
Monthly Average-mg/l	30		
pH - Standard Units	Monitor	Weekly	Grab
Ammonia (as N)-mg/l	Monitor	Weekly	24-Hour Composite
E.coli-Colonies/100ml		Weekly	Grab
April thru October			
Weekly Geometric Average	4348		
Monthly Geometric Average	262		
November thru March			
Monthly Geometric Average	2358		
Total Phosphorus (as P)-mg/l[4]	Monitor	Once Monthly	24-Hour Composite
Total Phosphorus (as P)-lbs/day[4]	Monitor	Once Monthly	Calculated[3]
Nitrate (NO3) + Nitrite (NO2) as N-mg/l[2]	Monitor	Once Monthly	24-Hour Composite
Total Kjeldahl Nitrogen (TKN) as N-mg/l[2]	Monitor	Once Monthly	24-Hour Composite
Total Nitrogen as N - mg/l[2,4] (TKN + NO3 + NO2)	Monitor	Once Monthly	Calculated[3]
Total Nitrogen as N - lbs/day[2,4] (TKN + NO3 + NO2)	Monitor	Once Monthly	Calculated[3]
Flow from Mechanical Plant - MGD	Monitor	Daily	Meter

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS - (continued)

Parameter	Interim Limits	Final Limits	Measurement Frequency	Sample Type
Outfall 001X1 (EDMR code: EFF001X1) - Combined Effluent from Effluent Tunnel				
Carbonaceous Biochemical Oxygen Demand (5-Day)[1]			Weekly	24-Hour Composite
Weekly Average-mg/l	40	40		
Monthly Average-mg/l	25	25		
Total Suspended Solids-mg/l[5]	Monitor		Weekly	24-Hour Composite
Weekly Average-mg/l		45		
Monthly Average-mg/l		30		
pH - Standard Units	6.0-9.0	6.0-9.0	Weekly	Grab
Ammonia (as N) - mg/l[5]			Weekly	24-Hour Composite
January and February				
Monthly Average	34.3	13.6		
Daily Maximum	-	34.3		
March				
Monthly Average	32.5	13.3		
Daily Maximum	-	32.5		
April				
Monthly Average	28.4	9.3		
Daily Maximum	-	28.4		
May				
Monthly Average	22.6	6.1		
Daily Maximum	-	17.4		
June				
Monthly Average	22.6	4.4		
Daily Maximum	-	13.5		
July				
Monthly Average	17.2	3.0		
Daily Maximum	-	7.6		
August				
Monthly Average	14.6	3.5		
Daily Maximum	-	9.7		
September				
Monthly Average	20.2	4.3		
Daily Maximum	-	12.1		
October				
Monthly Average	20.2	7.5		
Daily Maximum	-	20.2		
November				
Monthly Average	32.5	11.4		
Daily Maximum	-	32.5		
December				
Monthly Average	35.8	13.6		
Daily Maximum	-	35.8		

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS - (continued)

Parameter	Interim Limits	Final Limits	Measurement Frequency	Sample Type
Outfall 001X1 (EDMR code: EFF001X1) - Combined Effluent from Effluent Tunnel				
E.coli-colonies/100ml[5]			Weekly	Grab
April thru October				
Monthly Geometric Average	1,040	262		
November thru March				
Monthly Geometric Average	2,000	2,000		
Total Phosphorus (as P)[4]			Once Monthly	24-Hour Composite
Monthly Avg. Concentration -mg/l	Monitor	Monitor		
Monthly Avg. Load - lbs/day	Monitor	Monitor		Calculated[3]
Nitrate(NO3) + Nitrite(NO2)as N- mg/l[2]	Monitor	Monitor	Once Monthly	24-Hour Composite
Total Kjeldahl Nitrogen(TKN)as N-mg/l[2]	Monitor	Monitor	Once Monthly	24-Hour Composite
Total Nitrogen (TKN + NO3 + NO2) as N [2,4]			Once Monthly	Calculated[3]
Monthly Avg. Concentration - mg/l	Monitor	Monitor		
Monthly Avg. Load - lbs/day	Monitor	Monitor		
Whole Effluent Toxicity	See Biomonitoring and Priority Pollutants H.1			
Priority Pollutant Scan	See Biomonitoring and Priority Pollutants H.2			
Flow to Receiving Stream - MGD	Monitor	Monitor	Daily	Meter

Annual Rolling Average 001TT (EDMR code: 001TT) - Annual Rolling Average Calculations at Effluent Outfall 001X1

Parameter	Interim Limits	Final Limits	Measurement Frequency	Sample Type
Total Phosphorus (as P)[4,5]			Once Monthly	Calculated[3]
Annual Avg. Concentration - mg/l	Monitor	Monitor		
Annual Avg. Load - lbs/day	Monitor	156.63[5]		
Total Nitrogen (as N)[2,4]			Once Monthly	Calculated[3]
Annual Avg. Concentration - mg/l	Monitor	Monitor		
Annual Avg. Load - lbs/day	Monitor	Monitor		

1 Minimum removal of 85% required for Total Suspended Solids and Biochemical Oxygen Demand (5-Day) based on monthly average influent and effluent concentrations.

2 Permittee shall sample for these tests on the same day. The Minimum Reportable Limit (MRL) for TKN is 1 mg/l and for nitrate + nitrite is 0.1 mg/l. Values less than the MRL shall be reported using the less than sign (<) with the MRL value but for purposes of calculating and reporting the total nitrogen result, less than values shall be defaulted to zero.

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS - (continued)

3 The values for parameters shown as "Calculated" will be calculated by the on-line eDMR program. The values cannot be entered into the on-line eDMR program by the permittee. In addition to these calculated values, for parameters with Annual Daily Mass reporting requirements, the permittee will see monthly average values calculated by the eDMR program and displayed in the raw data tables. The monthly average parameter short name and (parameter code) for total phosphorus is T-P MA (KS665) and for total nitrogen is T.N2 MA (KS600) in mg/l and lbs/day. The monthly averages are required intermediary calculated values used for purposes of calculating the annual averages and are shown for purposes of checking those calculations. The annual average calculations are for a rolling 12-month time period calculated on a monthly basis.

4 See Special Conditions.

5 See Schedule of Compliance.

B. STANDARD CONDITIONS

In addition to the specified conditions stated herein, the permittee shall comply with the attached Standard Conditions dated March 1, 2018.

C. SLUDGE DISPOSAL AND RE-USE

Sludge disposal shall be in accordance with the 40 CFR Part 503 Sludge Regulations.

D. PRETREATMENT PROGRAM

The permittee shall continue to implement and administer the Pretreatment Program in accordance with the General Pretreatment Regulations 40 CFR Part 403, as approved by the Kansas Department of Health and Environment (KDHE) or the Environmental Protection Agency (EPA).

E. SPECIAL CONDITIONS

1. Nutrient Removal

Although this wastewater treatment facility is not designed for nutrient removal, the permittee may be able to change mechanical activated sludge system operations to maximize the level of nutrient removal with the intent of achieving the following goals and limits as annual average target effluent levels from the mechanical plant:

a. Total Nitrogen (as N) - mg/l	$\leq$ 10.0 as an annual average goal
b. Total Phosphorus (as P) - mg/l	$\leq$ 1.0 as an annual average goal
c. Total Phosphorus (as P) - lbs/day	$\leq$ 156.63 as an annual average limit

These target values for concentrations (mg/l) are not to be considered as effluent limits for this permit. KDHE reserves the right to re-open this permit to impose limits for nutrients pursuant to Kansas law after such criteria or a TMDL is adopted in the Kansas Surface Water Quality Standards.

A TMDL for Total Phosphorus has been adopted in the Kansas Surface Water Quality Standards, and the value for mass (lbs/day) is a limit to be imposed through the Special Conditions and Schedule of Compliance of this permit. The annual averages are for a rolling 12-month time period calculated on a monthly basis.

E. SPECIAL CONDITIONS (continued)

2. Flow through the Facility

During normal operations, the Permittee shall maximize the flow through the mechanical activated sludge system up to its design capacity while diverting such flow as is necessary to maintain biological activity in the aerated lagoon treatment facility to meet the effluent requirements of this permit.

During high flow events, the Permittee shall insure the mechanical activated sludge system is fully utilized prior to increasing the discharge of effluent from the lagoon outfall. Fully utilized means the maximum amount of wastewater is directed through the mechanical activated sludge system without causing a washout of activated sludge biomass or other process upsets (see Facility Description design flow thresholds).

Flow Diversions to the aerated lagoon treatment facility during all operations and flow events that meet these conditions are not bypasses and not subject to Standard Conditions 7,8, and 9.

F. SCHEDULE OF COMPLIANCE

Johnson County Wastewater has submitted to KDHE an Integrated Management Plan (IMP) dated September 2019 to address system-wide wastewater infrastructure needs. KDHE has concurred with the IMP through correspondence dated October 23, 2019 and has agreed to use the IMP and KDHE-approved updates when making future regulatory decisions, including compliance schedules. Within 1 year following the substantial completion of the project to upgrade the Mill Creek Regional WWTF as addressed in the IMP and Consent Order 19-E-5 BOW, the permittee shall achieve compliance with the final permit limits for Outfall 001X1 and Annual Rolling Average Outfall 001TT. The first monthly average value for the Annual Rolling Average Outfall 001TT shall be the 13th month after substantial completion.

G. ADDITIONAL INFORMATION

EPA has promulgated a final rule requiring regulated entities to report DMR data electronically. Also, KAR 28-16-63 requires permittees to report NPDES data in a form required by KDHE. KDHE has developed electronic reporting tools to assist permittees in complying with the EPA electronic reporting rule and KAR 28-61-63. Unless a waiver has been approved by KDHE, permittees are required to submit reports electronically.

H. BIOMONITORING AND PRIORITY POLLUTANTS

1. Whole Effluent Toxicity

a. Chronic Whole Effluent Toxicity (WET) testing shall be conducted on a 24-hr composite sample from Outfall 001X1 once in calendar year 2021 and once in calendar year 2023. The 25% Inhibition Concentration, IC25, shall be equal to or greater than 14% effluent. Test results less than 14% are violations of this permit. The test procedures shall use the seven-day static renewal test method in accordance with the EPA document, Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms, fourth edition, October 2002 using test organisms *Pimephales promelas* (fathead minnow) and *Ceriodaphnia dubia* (water flea) within a dilution series containing 0%, 7%, 14%, 30%, 60%, and 100% effluent. KDHE reserves the right to increase or decrease testing frequency based upon compliance history and toxicity testing results.

b. If the WET test results indicate the IC25 is equal to or greater than 14% effluent, the effluent has passed the toxicity test Samples results shall be submitted to kdhe.dmr4kdhe@ks.gov within 30 days of receipt of the results.

H. BIOMONITORING AND PRIORITY POLLUTANTS (continued)

c. If the WET test results indicate the IC25 is less than 14% effluent, the effluent has failed the toxicity test and the permittee shall immediately notify KDHE by telephone at (785) 296-5517 and submit to KDHE a copy of the test report within five days of receipt of the information. KDHE reserves the right to require the permittee to take such actions as are reasonable to identify and remedy any identified or predicted toxic conditions in the receiving stream outside of the mixing zone which is caused by the permittee's effluent.

d. Permittee shall also test a portion of the same effluent sample used for the WET test for the following substances (required minimum reportable limit are in parenthesis):

Antimony (10 µg/L)*	Nickel (10 µg/L)*
Arsenic (10 µg/L)*	Selenium (5 µg/L)*
Beryllium (5 µg/L)*	Silver (2 µg/L)*
Cadmium (2 µg/L)*	Thallium (10 µg/L)*
Chromium (10 µg/L)*	Zinc (20 µg/L)*
Copper (10 µg/L)*	Ammonia as "N" (0.2 mg/l)
Lead (5 µg/L)*	Total Hardness as CaCO3 mg/l
Mercury (0.2 µg/L-Cold Vapor Method)	pH

* Parameter shall be tested and reported as "total recoverable" metals.

e. Permittee shall coordinate sampling for this test with other monitoring requirements of this permit and may use the test results to satisfy this and other corresponding testing requirements. The permittee shall use a laboratory approved by KDHE for Whole Effluent Toxicity testing.

2. Priority Pollutant Scan

Permittee shall conduct a Priority Pollutant Scan on the effluent from Outfall 001X1 for the parameters listed in Table I, Priority Pollutant Scan, on the following pages. The Priority Pollutant Scan shall be conducted once in calendar year 2020, once in calendar year 2022, and once in calendar year 2024. Samples results shall be submitted to kdhe.dmr4kdhe@ks.gov within 30 days of receipt of the results.

Sample type shall be 24-hour composites except for Volatiles which shall be a grab sample. See Biomonitoring and Priority Pollutants H.1.d. for minimum detection limits for certain metals in the Priority Pollutant Scan.

Table I - Priority Pollutant Scan*

Metals (µg/l)
- Total Antimony
- Total Arsenic
- Total Beryllium
- Total Cadmium
- Total Chromium
- Total Copper
- Total Lead
- Total Mercury
- Total Nickel
- Total Selenium
- Total Silver
- Total Thallium
- Total Zinc

Pesticides (µg/l)
- Aldrin
- Alpha-BHC**
- Beta-BHC**
- Gamma-BHC**
- Delta-BHC**
- Chlordane
- 4,4-DDT
- 4,4-DDD
- 4,4-DDE
- Dieldrin
- Alpha-endosulfan
- Beta-endosulfan
- Endosulfan sulfate
- Endrin
- Endrin aldehyde
- Heptachlor
- Heptachlor epoxide
- Toxaphene

Polychlorinated Biphenyls (µg/l)
- PCB-1242
- PCB-1254
- PCB-1221
- PCB-1232
- PCB-1248
- PCB-1260
- PCB-1016

Base/Neutral (µg/l)
- Acenaphthene
- Acenaphthylene
- Anthracene
- Benzidine
- Benzo(a) anthracene
- Benzo(a)pyrene
- Benzo(k)fluoranthene
- Benzo (ghi) perylene
- Benzo (b) fluoranthene
- Bis(2-chloroethoxy)methane
- Bis(2-chloroethyl)ether
- Bis(2-ethylhexyl)phthalate
- Bis(2-chloroisopropyl) ether
- 1,2-diphenylhydrazine
- Fluoranthene
- Fluorene
- Nitrobenzene
- N-nitrosodimethylamine
- N-nitrosodi-n-propylamine
- N-nitrosodiphenylamine
- Phenanthrene
- Pyrene
- 1,2,4-trichlorobenzene
- 4-bromophenyl phenyl ether
- Butyl benzyl phthalate
- 2-chloronaphthalene
- 4-chlorophenyl phenyl ether
- Chrysene
- Dibenzo(a,h) anthracene
- 1,2-dichlorobenzene
- 1,3-dichlorobenzene
- 1,4-dichlorobenzene
- 3,3-dichlorobenzidine
- Dimethyl phthalate
- Diethyl phthalate
- Di-n-butyl phthalate
- 2,4-dinitrotoluene
- 2,6-dinitrotoluene
- Di-n-octyl phthalate
- Hexachlorobenzene
- Hexachlorobutadiene
- Hexachlorocyclopentadiene
- Hexachloroethane
- Indeno (1,2,3-cd) pyrene
- Naphthalene
- Isophorone

Acid Compounds (µg/l)
- 2-chlorophenol
- 2,4-dichlorophenol
- 2,4-dimethylphenol
- 2,4-dinitrophenol
- 2-nitrophenol
- 4-nitrophenol
- Parachlorometa cresol
- Pentachlorophenol
- Phenol
- 4,6-dinitro-o-cresol
- 2,4,6-trichlorophenol

Volatiles (µg/l)
- Acrolein
- Acrylonitrile
- Benzene
- Bromoform
- Carbon Tetrachloride
- Chlorobenzene
- Chlorodibromomethane
- Chloroethane
- 2-chloroethylvinyl ether
- Chloroform
- Dichlorobromomethane
- 1,1-dichloroethane
- 1,2-dichloroethane
- 1,1-dichloroethylene
- 1,2-dichloropropane
- 1,3-dichloropropylene
- Ethylbenzene
- Methyl bromide
- Methyl chloride
- Methylene chloride
- 1,1,2,2-tetrachloroethane
- Tetrachloroethylene
- Toluene
- 1,2 trans-dichloroethylene
- 1,1,1-trichloroethane
- 1,1,2-trichloroethane
- Trichloroethylene
- Vinyl chloride

Miscellaneous
- Total Cyanide (mg/l)***
- ~~Asbestos (cnt/l)~~
- ~~2,3,7,8-TCDD (Dioxin) (µg/l)~~

* Testing not required for pollutants with a strike-through.

** Scientific name is hexachlorocyclohexane

*** The total cyanide analysis must include preliminary treatment of the sample to avoid NO_2^- interference. See Standard Methods for the Examination of Water and Wastewater, 22nd Edition, 4500-CN^- B. Preliminary Treatment of Samples.

STANDARD CONDITIONS FOR
KANSAS WATER POLLUTION CONTROL AND
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS

1. Representative Sampling and Discharge Monitoring Report Submittals:

A. Samples and measurements taken as required herein shall be representative of the quality and quantity of the monitored discharge. Test results shall be recorded for the day the samples were taken. If sampling for a parameter was conducted across more than one calendar day, the test results may be recorded for the day sampling was started or ended. All samples shall be taken at the locations designated in this permit, and unless specified, at the outfall/monitoring location(s) before the wastewater joins or is diluted by any other water or substance.

B. Monitoring results shall be recorded and reported on forms acceptable to the Division and submitted no later than the 28th day of the month following the completed reporting period. Signed and certified copies of other reports, required herein, prepared in accordance with KAR 28-16-59, may be faxed to 785.559.4257, e-mailed as scanned attachments to kdhe.dmr4kdhe@ks.gov , or sent by U.S. mail to:

Kansas Department of Health & Environment
Bureau of Water-Technical Services Section
1000 SW Jackson Street, Suite 420
Topeka, KS 66612-1367

2. Definitions:

A. Unless otherwise specifically defined in this permit, the following definitions apply:

1. The "Daily Maximum" is the total discharge by weight or average concentration, measurement taken, or value calculated during a 24-hour period. The parameter, pH, is limited as a range between and including the values shown.

2. The "Weekly Average" is the arithmetic mean of the value of test results from samples collected, measurements taken, or values calculated during four monitoring periods in each month consisting of calendar days 1-7, 8-14, 15-21 and 22 through the end of the month.

3. The "Monthly Average", other than for E. coli bacteria, is the arithmetic mean of the value of test results from samples collected, measurements taken, or values calculated during a calendar month. The monthly average is determined by the summation of all calculated values or measured test results divided by the number of calculated values or test results reported for that parameter during the calendar month. The monthly average for E. coli bacteria is the geometric average of the value of the test results from samples collected in a calendar month. The geometric average can be calculated by using a scientific calculator to multiply all the E. coli test results together and then taking the nth root of the product where n is the number of test results. Non-detect values shall be reported using the less than symbol (<) and the minimum detection or reportable value. To calculate average values, non-detects shall be defaulted to zero (or one for geometric averages). Greater than values shall be reported using the greater than symbol (>) and the reported value. To calculate average values, the greater than reported value shall be used in the averaging calculation.

B. A "grab sample" is an individual sample collected in less than 15 minutes. A "composite sample" is a combination of individual samples in which the volume of each individual sample is proportional to the flow, or the sample frequency is proportioned to the flow rate over the sample period, or the sample frequency is proportional to time.

C. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health, and Environment, respectively.

D. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of an in-plant diversion. Severe property damage does not mean economic loss caused by delays in production.

E. "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.

3. Schedule of Compliance: No later than 14 calendar days following each date identified in the "Schedule of Compliance," the permittee shall submit via mail, e-mail or fax per paragraph 1.B above, either a report of progress or, in the case of specific action being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirements, or, if there are no more scheduled requirements, when such noncompliance will be corrected.

4. Test Procedures: All analyses required by this permit shall conform to the requirements of 40 CFR Part 136, unless otherwise specified, and shall be conducted in a laboratory accredited by the Department. For each measurement or sample, the permittee shall record the exact place, date, and time of measuring/sampling; the date and time of the analyses, the analytical techniques or methods used, minimum detection or reportable level, and the individual(s) who performed the measuring/sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Discharge Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.

5. Change in Discharge: All discharges authorized herein shall be consistent with the permit requirements. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, production or flow increases, or production or wastewater treatment system modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.

6. Facilities Operation: The permittee shall always properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the requirements of this permit and Kansas and Federal law. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the requirements of this permit. The permittee shall take all necessary steps to minimize or prevent any adverse impact to human health or the environment resulting from noncompliance with any effluent limits specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit requirements, the permittee shall halt or reduce those activities under its control which generate wastewater routed to this facility.

7. Incidents:

"Collection System Diversion" means the diversion of wastewater from any portion of the collection system.

"In-Plant Diversion" means routing the wastewater around any treatment unit in the treatment facility through which it would normally flow.

"In-Plant Flow Through" means an incident in which the wastewater continues to be routed through the equipment even though full treatment is not being accomplished because of equipment failure for any reason.

"Spill" means any discharge of wastewater, sludge or other materials from the treatment facility other than effluent or as more specifically described by other "Incidents" terms.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance or anticipated noncompliance with permit effluent limits because of factors beyond the reasonable control of the permittee, as described by 40 C.F.R. 122.41(n).

8. Diversions not Exceeding Limits: The permittee may allow any diversion to occur which does not cause effluent limits to be exceeded, but only if it also is for essential maintenance to assure efficient operation. Such diversions are not subject to the Incident Reporting requirements shown below.

9. Prohibition of an In-Plant Diversion: Any in-plant diversion from facilities necessary to maintain compliance with this permit is prohibited, except: (a) where the in-plant diversion was unavoidable to prevent loss of life, personal injury, or severe property damage; (b) where there were no feasible alternatives to the in-plant diversion, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime and (c) the permittee submitted a notice as required in the Incident Reporting paragraph below. The Director may approve an anticipated in-plant diversion, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

10. Incident Reporting: The permittee shall report any unanticipated collection system diversion, in-plant diversion, in-plant flow through occurrences, spill, upset, or any violation of a permitted daily maximum limit within 24 hours from the time the permittee became aware of the incident. A written submission shall be provided within 5 days of the time the permittee became aware of the incident. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. An Incident Report form is available at www.kdheks.gov/water/tech.html.

    For an anticipated incident or any planned changes or activities in the permitted facility that may result in noncompliance with the permit requirements, the permittee shall submit written notice, if possible, at least ten days before the date of the event.

    For other noncompliance, the above information shall be provided with the next Discharge Monitoring Report.

11. Removed Substances: Solids, sludges, filter backwash, or other pollutants removed in the course of treatment of water shall be utilized or disposed of in a manner acceptable to the Division.

12. Power Failures: The permittee shall provide an alternative power source sufficient to operate the wastewater control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.

13. Right of Entry: The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where an effluent source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any facilities, monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.

14. Transfer of Ownership: The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. This permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

15. Records Retention: Unless otherwise specified, all records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instruments and recordings from continuous monitoring instruments, shall be retained for a minimum of 3 years, or longer if requested by the Division. Biosolids/sludge records and information are required to be kept for a minimum of 5 years, or longer if requested by the Division. Groundwater monitoring data, including background samples results, shall be kept for the life of the facility regardless of ownership.

16. Availability of Records: Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.

17. Permit Modifications and Terminations: As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through g. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

18. Toxic Pollutants: Notwithstanding paragraph 17 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.

19. Administrative, Civil and Criminal Liability: The permittee shall comply with all requirements of this permit. Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from administrative, civil or criminal penalties for noncompliance as provided for in KSA 65-161 et seq., and 33 USC Section 1319.

20. Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 et seq. A municipal permittee shall promptly notify the Division by telephone upon discovering crude oil or any petroleum derivative in its sewer system or wastewater treatment facilities.

21. Industrial Users: A municipal permittee shall require any industrial user of the treatment works to comply with 33 USC Section 1317, 1318 and any industrial user of storm sewers to comply with 33 USC Section 1308.

22. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringements of or violation of federal, state, or local laws or regulations.

23. Operator Certification: The permittee shall, if required, ensure the wastewater facilities are under the supervision of an operator certified by the Department. If the permittee does not have a certified operator or loses its certified operator, appropriate steps shall be taken to obtain a certified operator as required by KAR 28-16-30 et seq.

24. Severability: The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.

25. Removal from Service: The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.

26. Duty to Reapply: A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.

27. Publicly owned treatment works (POTWs): All POTWs shall provide adequate notice to the Director of the following per 40 CFR 122.42(b):

    A. Any new introduction of pollutants into the POTW from a non-domestic source which would be subject to section 301 or 306 of the CWA ; and

    B. Any substantial change in the volume or character of pollutants being introduced into a POTW by a non-domestic source.

    C. For purposes of this paragraph, adequate notice shall mean within 30 days of the POTW being aware of the introduction of pollutants and shall include information on the quality and quantity of influent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

28. POTW regulated pretreatment program requirements: For POTWs with an approved pretreatment program, the POTW shall:

    A. Identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR part 403.

    B. Provide to KDHE and EPA a written technical evaluation of the need to develop new local limits or revise existing local limits under 40 CFR 403.5(c)(1).

29. This permit may be reopened and modified if KDHE and/or EPA determines the permittee shall develop and approved pretreatment program that complies with 40 CFR, Part 403.